APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,159	01/20/2004	Satish Parolkar	P24473	6660

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EXAMINER
ELAHEE, MD S

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
05/04/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

		Application No.	Applicant(s)
Office Action Summary		10/759,159	PAROLKAR ET AL.
		Examiner	Art Unit	
		Md S. Elahee	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 February 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>*1-20*</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>*1-20*</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed on 02/02/2007 Remarks have been fully considered but they

are not persuasive for the following reasons:

Rejection under 35 U.S.C. 103(a):

Regarding claim 1, the Applicant argues on pages 3-4 that "BROWN does not disclose

that the noted prompt is part of a script that is sent to the device in BROWN". Examiner

respectfully disagrees with this argument. In col.12, lines 41-42, BROWN states that "Fig.12A-

12B illustrate the steps included script program". This clearly means that the script program

generates those steps stated in Fig.12A-12B. Therefore, step 308 of Fig. 12A, the prompt [i.e.,

first query] is part of the script program.

The Applicant argues on page 4 that "BROWN does not disclose that a second query in a

script would be presented based on a response to the first query". Examiner respectfully

disagrees with this argument. In col.12, lines 63-67, BROWN teaches that queries [i.e., second

query] and response are displayed [see step 312 of the script program]. This queries are

displayed when a reply [i.e., response] to the prompt [i.e., first query] is received. Therefore, it is

clear that BROWN teaches that a second query in a script would be presented based on a

response to the first query.

The Applicant argues on page 5 that "PROKOP does not disclose that the above-noted script is sent to a communications device". Examiner respectfully disagrees with this argument. The examiner didn't rely upon PROKOP for the teaching of sending the script to a communications device.

Thus the rejection of the claims in view of BROWN and PROKOP remain. Claims 11 and 17 are rejected for the same reasons as discussed above with respect to claim 1.

Claim Rejections - 35 USC § 112:

The applicant argues on page 2 that the rejection of claims under 35 USC § 112 is improper and Applicant also request a full explanation as to why such a requirement under 35 U.S.C. § 112, second paragraph is believed to exist. Regarding claims 1,6,11,17 and 19, sending an interactive text markup programming language script, and the interactive script including at least a first query and a second query that is presented based on a response to the first query is confusing. It is because, the applicant didn't claim whether the interactive script is being sent one time for both of the first and the second queries or the script is being sent two times separately for both of the queries. From the claim it appears that if the reply to the first query is received the script is again executed <u>second time</u> for the second query to be presented to the user.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   Claims 1,6,11,17 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1,6,11,17 and 19, "sending an interactive text markup programming language script" and "the interactive script including at least a first query and a second query that is presented based on a response to the first query" are confusing. It is unclear whether interactive script is being sent one time for both of queries or the script is being sent two times separately for both of the queries.

Allowable Subject matter

4.   The following is an examiner's statement of reasons for allowance:

Claims 6-10, 19 and 20 will be allowed after overcoming 35 U.S.C. 112, second paragraph.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7.   Claims 1-5 and 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Brown (US 6,101,478) in view of **Prokop** (US 6,870,848).

As to Claims 1, 11,17, with respect to Figures 1,2,4,5-9,11-17,18-20, **Brown** teaches a method of

collecting information, comprising:

sending a programming script, using internet, to a communications device, the script

including a prompt "ANSWER QUERIES NOW? PRESS ANY BUTTON TO START" [i.e., a

first query] (col.12, lines 59-61) and queries displayed in response to the prompt [i.e., a second

query] (col.12, lines 64-66) that is presented based on a response to the first query (Figure 12A;

col.3, lines 23-43, col.9, lines 2-7, 66, 67, col.10, lines 1-5, col.11, lines 33-41, col.12, lines 59-

67, col.14, lines 37-41); and

receiving the response to the first query and a response to the second query from the

communications device, each of the response to the first query and the response to the second

query being based upon input from a user of the communications device (Figure 12A; col.12,

lines 59-67);

Brown does not teach the following limitation:

"interactive text markup programming language script"

However, it is obvious that **Brown** teaches the interactive script because **Brown** teaches script for interacting with users (fig.12A). What **Brown** fails to teach is that the script is written by a text markup language since text markup language was well known language be used for generating the script. **Prokop** teaches interactive text markup programming language script (col.5, lines 51-57). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add interactive text markup programming language script to **Brown's** invention in order to establish, manage or terminate a call session.

Brown further does not teach, "using a session initiation protocol (SIP) message". **Brown** teaches sending script using internet (col.3, lines 23-43). **Prokop** teaches sending script using a session initiation protocol (SIP) message (col.4, lines 46-49, col.5, lines 51-57, col.6, lines 59-67). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add SIP messaging to **Brown's** invention as taught by **Prokop's** invention in order to control call session over data network.

As to Claims 2, 13, **Brown** teaches the method of collecting information of claim 1, wherein the received responses comprise information of at least one of a location of the communications device, a type of the communications device, a communications format used by the communications device, a communications mode desired by the user of the communications device, a personal identification of the user of the communications device, an account number of the user of the communications device, a password of the user of the communications device, billing information of the user of the communications device, the intent of the user of the

communications device, a preferred language of the user of the communications device, and a question from the user of the communications device (col.11, lines 58-67, col.12, lines 1-5).

As to Claims 3,14, **Brown** teaches the method of collecting information of claim 1, wherein the received responses are a textual representation of one of a DTMF tone, ProkopicexML and HTML speech tags (col.14, lines 42-51).

As to Claims 4,15, **Brown** teaches the method of collecting information of claim 1, further comprising providing the response to a user of a recipient device (Figure 2, label 40).

As to Claims 5,16,18, **Brown** teaches the method of collecting information of claim 1, the response being additionally based upon information provided by the communications device (col.14, lines 5-30).

As to Claim 12, **Brown** does not specifically teach, "establishing a communications connection between the communications device and one of a plurality of agent devices, the one of the plurality of agent devices being determined based on the response". **Prokop** teaches establishing a communications connection between the communications device and one of a plurality of agent devices, the one of the plurality of agent devices being determined based on the response (fig.3, step 242). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add the feature of establishing a communications connection between the communications device and one of a plurality of agent

devices, the one of the plurality of agent devices being determined based on the response to **Brown's** invention as taught by **Prokop's** invention in order to send a particular response to a particular person.

Conclusion

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.
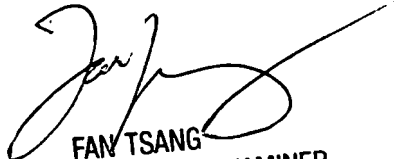
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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April 29, 2007

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